

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re FOCUS MEDIA HOLDING
LIMITED LITIGATION

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: MASTER FILE
: 07 Civ. 10617 (LTS)(GWG)
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: **ECF Case**
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: **Electronically Filed**
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: **Oral Argument Requested**
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This Document Relates To:
All Actions

NOTICE OF DEFENDANTS' MOTION TO DISMISS
THE CONSOLIDATED AMENDED COMPLAINT

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, the affidavit of Andrew D. W. Cattell sworn to on September 5, 2008 and the exhibits attached thereto, and all of the prior papers and proceedings herein, Defendants Focus Media Holding Limited, Jason Nanchun Jiang, Zhi Tan, Daniel Mingdong Wu, Donald J. Puglisi, Credit Suisse Securities (USA) LLC, Citigroup Global Markets Inc., and Merrill Lynch & Co., Inc. (collectively "Defendants") will move before the Honorable Laura Taylor Swain, United States District Judge, at the Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be designated by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice the Consolidated Amended Complaint and awarding such other and further relief as the Court deems just and proper.

Defendants certify that their counsel have corresponded with opposing counsel in an effort to resolve informally the matters in controversy. The parties have exchanged their respective legal and factual positions, and Lead Plaintiff rejected Defendants' request to

voluntarily dismiss the action as against all Defendants. In addition, counsel spoke telephonically in an effort to resolve the matter. Unfortunately, the parties were unable to reach any resolution or otherwise eliminate the need for this motion.

Dated: New York, New York
September 5, 2008

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By 

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Attorneys for Defendants Credit Suisse
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Markets Inc., and Merrill Lynch & Co., Inc.

CERTIFICATE OF SERVICE

I, Martha DelGiudice, do hereby declare that on the 5th day of September, 2008, I served a true and correct copy of:

-NOTICE OF DEFENDANTS' MOTION TO DISMISS THE CONSOLIDATED AMENDED COMPLAINT

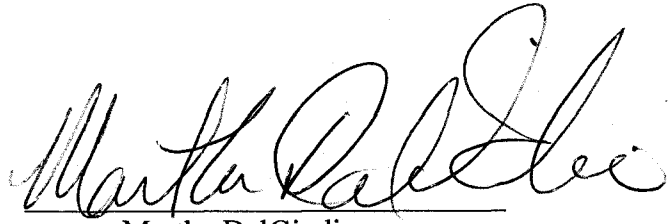
-MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE CONSOLIDATED AMENDED COMPLAINT

-AFFIDAVIT OF ANDREW D. W. CATTELL with Exhibits

via Federal Express, upon:

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